

## Dredging and Filling Response Paper

This document contains proposals presented to the Citizens Advisory Committee (CAC) members, a summary of the views expressed by CAC members, and DPD's responses to these comments in italics. Discussion of the original proposal presented by DPD can be found in the document entitled "Dredging and Filling Policy Paper," dated November 12, 2008.

Various changes were proposed for Comprehensive Plan goals and policies, but general development standards for filling and dredging would be largely maintained. Minor edits and clarifications to existing regulations include:

- Changes to the locational standards in the Shoreline Environment section for dredging and filling;
- Clarification of when best management practices must be employed;
- Clarification of potential impacts of dredging and fill and options for mitigation;
- Clarification relating to grading and filling activities on dry land – no longer to be considered landfill.

Overall, committee felt that the proposed changes did not represent a substantial change from existing regulations; however, there were a number of important comments where are summarized below:

One commenter was concerned that DPD was moving away from the maintenance and repair exemptions that exist today which could make repairs of structures harder.

*DPD is not currently proposing to modify the language of the maintenance and repair exemption. However, it is possible that some proposed standards will impact projects that receive exemptions and may result in additional conditions. As it relates to dredging, maintenance dredging is currently exempt from a substantial development permit and is proposed to continue to be exempt under the current proposal. DPD is proposing to condition maintenance projects for ongoing impacts through the exemption process, but we are pursuing options to allow non-maintenance dredging projects to include mitigation to address all impacts including future maintenance dredging in order to prevent the need for conditioning during the maintenance dredging activities.*

Another commenter recommended consideration of a provision to encourage the transfer of sediment and debris to the beach to allow for beach nourishment where railroads currently prevent the natural supply of sediment.

*DPD will include this provision in the updated code to allow such beach nourishment. Currently there are a number of outstanding issues that must be resolved at the state level with the Clean Water Act regarding this activity.*

Committee members also registered support for DPD's proposal to stop considering grading and filling activities on dry land as landfill.